

Members

Rep. Sheila Klinker, Chairperson
Rep. Suzanne Crouch
Sen. Marvin Riegsecker
Sen. Connie Sipes
Sally Lowery
Suda Hopkins
Betty Williams
Christopher Durcholz
Susan Ferverda
Bettye Dunham
Scott Sefton
Sharon Kooi



COMMISSION ON MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES

LSA Staff:

Bill Brumbach, Fiscal Analyst for the Commission
Susan Kennell, Attorney for the Commission

Authority: IC 2-5-27.2

Legislative Services Agency
200 West Washington Street, Suite 301
Indianapolis, Indiana 46204-2789
Tel: (317) 233-0696 Fax: (317) 232-2554

MEETING MINUTES¹

Meeting Date: October 14, 2008
Meeting Time: 1:00 P.M.
Meeting Place: State House, 200 W. Washington St., 431
Meeting City: Indianapolis, Indiana
Meeting Number: 3

Members Present: Rep. Sheila Klinker, Chairperson; Rep. Suzanne Crouch; Suda Hopkins; Betty Williams; Susan Ferverda; Bettye Dunham; Scott Sefton; Sharon Kooi.

Members Absent: Sen. Marvin Riegsecker; Sen. Connie Sipes; Christopher Durcholz; Sally Lowery.

I. Opening and Introductions, Representative Klinker, Chairperson.

Chairperson Klinker called the meeting to order at 1:15 P.M. and requested a moment of silence to honor the work and life of the late Senator Riegsecker.

II. Presentation by Peter Bisbecos, Director, Division of Disability and Rehabilitative Services (DDRS), regarding the First Steps Program

Mr. Bisbecos' presentation (Exhibit 1) highlighted that there is always room for improvement with the First Steps program, but that families are consistently receiving referrals. Mr. Bisbecos' review of the program focused on participation after eligibility criteria changed in the First Steps program. The First Steps program assessment presented information regarding participation rates and impacts associated with changes made to the program. The First Steps assessment concluded that concerns expressed regarding the negative impact on services provided appear to be unfounded and that there are still areas of concern that warrant close monitoring and

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investigation.

Chairperson Klinker enquired about personnel shortages stemming from reimbursement changes in the program. Mr. Bisbecos responded that any billing process frustrations are different than changes made to the system. System changes have had the largest impact on the number of providers in the First Steps program, but Mr. Bisbecos reported that DDRS is working to make the system more efficient and work with providers in order to retain personnel. Chairperson Klinker further enquired about the caseload that service coordinators manage, to which Mr. Bisbecos confirmed that the average caseload per service provider was close to 60. Upon further questioning from Chairperson Klinker, Mr. Bisbecos informed the Commission that the statistics regarding service coordinator caseload present a comparison between First Steps coordinators and two national studies. He emphasized that Indiana was on the lower end of the national service coordinator caseload studies. Mr. Sefton asked if there was a chance that Indiana's caseload could increase, to which Mr. Bisbecos responded that caseload increases were not something the agency was anticipating. Mr. Bisbecos further stated that if provider caseloads were to increase, currently DDRS has the system support to maintain operations.

Ms. Dunham enquired about the decline of children identified by First Steps within their first 12 months of life. She stated that she was concerned about the number of children identified in this age group declining by 25% from 2004 to present. Mr. Bisbecos responded that this statistic needed more analysis but offered an explanation for the possible decrease. He stated that the decrease could be attributed to individuals that were shifted to new eligibility or that some individuals were just no longer eligible under the program eligibility changes. He further offered that some children that were not eligible early in life might become eligible later in life if their condition worsened.

Mr. Sefton asked about a decrease in program providers resulting from increased difficulty with the changes made to the First Steps program. Mr. Bisbecos informed the Commission that the program utilizes teams to help minimize processing time and decrease difficulty for program providers. He also mentioned that inconsistencies within a team could impact the processing time in the program. Mr. Sefton expressed his concern that if there were inconsistencies in how the team operated to secure services for an individual that there would be the potential for some participants to receive more or less in services than someone else with the same condition depending on the team and their associated actions. Mr. Bisbecos reassured the Commission that DDRS is trying to implement uniform policies and procedures across the state in order to minimize discrepancies in services between similar individuals with developmental disabilities. Chairperson Klinker asked if the policies were working, to which Mr. Bisbecos responded that the policies have been working well, but there was some variation across children primarily due to their unique needs.

Mr. Sefton further enquired how often these groups were assessed and if there were ever surprise inspections. Mr. Bisbecos informed the Commission that DDRS performs quarterly quality review visits in which they collect statistics from program participant files using valid sample size indicators. When performing these assessments, Mr. Bisbecos clarified that DDRS uses federal guidelines in their methodology that ensure a 99% confidence interval. He also explained that every county is subjected to the assessment, not just randomly selected counties. Additionally, Mr. Bisbecos informed the Commission that there is really no need to have surprise assessments because as the assessments and guidelines are currently written there is enough incentive for providers to operate correctly and maintain good records.

III. Presentation from John Dickerson, Executive Director, and Kim Dodson, Assistance Executive Director, The ARC of Indiana, regarding legislation and resolutions before the Commission

Mr. Dickerson reported that the DDRS report confirmed what they have heard from parents regarding the First Steps program. Chairperson Klinker asked Mr. Dickerson if the co-pays and changes in eligibility have caused people to drop out of the program. Mr. Dickerson replied that the data to date is not conclusive on that point. He explained that the report is a good first step in determining if adding the co-pay has been effective in increasing money received from insurance companies. He also stated that given the current economic problems, that it is natural for parents to self-select out of programs in order to allocate scarce resources as needed. This can decrease the program participation rates as a result. Mr. Dickerson added that it is increasingly difficult to get providers to come to low-income areas and that action needs to be taken to ensure that these underserved areas still have access to services.

Ms. Dodson addressed the legislation and proposals before the Commission. Preliminary Draft (PD) 3233 makes an appropriation during the FY 2010 and 2011 biennium for the adult guardianship and self-advocacy programs for individuals with developmental disabilities (Exhibit 2). Mr. Sefton asked if the appropriated amount for the self-advocacy program would be enough to provide services throughout the state. Ms. Dodson and Mr. Dickerson explained that they thought that the amount included in the legislation would be enough given that each person receives roughly \$1,000 in grants when approved under the self-advocacy program. Mr. Dickerson and Ms. Dodson feel that the \$1 M for the adult guardianship program seems a bit low to cover the population, but they feel that this amount would be a good starting point. The bill was adopted by the Commission by a voice vote.

PD 3233 would change the name of the Commission on Mental Retardation and Developmental Disabilities to the Commission on Developmental Disabilities (Exhibit 3). The bill was adopted by the Commission by a voice vote.

Additionally, there were three resolutions presented before the Commission. The first dealt with a law enforcement protocol that would protect individuals with developmental disabilities who attempt to take action against their abusers (Exhibit 4). Mr. Sefton enquired if this proposal would suggest that the issue should be studied in a summer study commission. Mr. Bisbecos informed the Commission that he thought a study commission might be best considering that the issue would also affect law enforcement. Mr. Bisbecos informed the Commission that it was his personal preference to have a law enacted as soon as possible to protect the developmentally disabled in court proceedings, to which Chairperson Klinker stated that she was willing to work towards creating legislation for the upcoming General Assembly. The resolution was adopted by the Commission by a voice vote.

The second motion presented to the Commission was a resolution to reform the criminal justice system to benefit the developmentally disabled (Exhibit 5). The proposal recommends forming a summer study commission to study the issue of creating a new standard to apply in criminal proceedings to the developmentally disabled rather than assuming individuals are mentally ill and able to be rehabilitated. The proposal was adopted by the Commission by a voice vote.

The third resolution proposes that the Family and Social Services Administration has removed individuals from the Medicaid waiver waiting list, but that additional funding should be provided to community-based programs for individuals with developmental disabilities to further decrease the lists (Exhibit 6). Ms. Dunham stated that she supported decreasing the waiting list, but as a provider, was worried that services might suffer if more people are added to programming without increasing funding. Ms. Kooi enquired if applying for programming when a developmental disability is recognized early would be an alternative. Mr. Bisbecos informed the

Commission that while an individual is on the First Steps program, staff work to place participants on the Medicaid waiver waiting list to help with fluid programming. Mr. Sefton asked Mr. Bisbecos if January 2009 was still the effective date of the new OASIS reimbursement rates. Mr. Bisbecos responded that currently, a January effective date was unlikely and that the current reimbursement rate would be used until a rate that is both fair and meets federal guidelines can be achieved. The implementation has been postponed because there are still some inconsistencies and problems with the reimbursement rate. One of the problems with the reimbursement rate has been that the federal guidelines dictate that a daily reimbursement rate is not acceptable. This proposal was adopted by the Commission by a voice vote.

IV. Presentation by Jim Hammond, CEO, INARF, on legislative proposals and OASIS negotiations.

Mr. Hammond confirmed that the January implementation date has been postponed. One of the components that the negotiations still focus on is a reimbursement rate for residential programs. Mr. Hammond also added that he was concerned about maintaining natural environments for programming and services and this is hard to accomplish without an adequate reimbursement rate.

Mr. Hammond also informed the Commission that Ms. Glenna Shelby had belatedly emailed Chairperson Klinker a list of suggested language that could be added to the findings of the Commission. Chairperson Klinker informed Mr. Hammond that the proposals had already been drafted but suggested that the findings would be added to the Commission's information report.

V. Other Business

Chairperson Klinker reminded the Commission that this would be the last meeting for 2008 and thanked the members for their time and dedication. The meeting was adjourned at 3:15 P.M.